

Docket No.: 00-8024 RCE1

**REMARKS****I. Introductory Comments**

In the Office Action, the Examiner rejected: (1) claims 1-5, 7-12, 14, 16, 17, 21-25, and 30 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0137945 (hereinafter "Takagi"); (2) claims 6 and 13 under 35 U.S.C. §103(a) as being obvious over Takagi in view of U.S. Patent Application Publication No. 2002/0160751 (hereinafter "Sun"); (3) claims 15, 18, 26, and 27 under 35 U.S.C. §103(a) as being obvious over Takagi in view of U.S. Patent Application Publication No. 2003/0032447 (hereinafter "Bulthuis"); and (4) claims 19, 20, 28, and 29 under 35 U.S.C. §103(a) as being obvious over Takagi combined with Bulthuis in further view of U.S. Patent No. 5,524,137 (hereinafter "Rhee").

In this Amendment, Applicants have amended independent claims 1, 8, and 22 to further articulate novel aspects. Claims 15, 17, and 25 have been cancelled, and claims 7, 14, 16, 18, 20, and 26 have been amended to coincide with the amendments to independent claims 1, 8, and 22. No new matter has been introduced. After entry of the amendments, claims 1-14, 16, 18-24, and 26-30 will be pending in the application. Claims 1, 8, and 22 are in independent form. Applicants respectfully request reconsideration of the currently pending claims in light of the amendments and remarks provided herein.

Applicants note that a number of the references have filing dates that are essentially contemporaneous with the filing date of the present application. Therefore, while the references are addressed in this response on the merits, Applicants do not concede that the references are in fact prior art to the present application and reserve the right to file a declaration pursuant to 37 CFR § 1.131 and/or to take any other action permitted to pre-date one or more of the references discussed in this response.

**II. Patentability of Independent Claims 1, 8, and 22 as Amended**

In this Amendment, Applicants have amended independent claims 1, 8, and 22 to include limitations not disclosed, taught, or suggested in the prior art of record. For example, claim 1 as amended recites, among other limitations, the claim limitation of:

...a user interface configured to allow a user of the wireless communication device to access, by way of a wireless network, the two-way conversation data stored in the remote storage device, the user interface including a plurality of data management functions that allows the user of the wireless communication device to manage, by way of the wireless network, the two-way conversation data stored in the remote storage device, the

Docket No.: 00-8024 RCE1

plurality of data management functions including a function for editing the two-way conversation data stored in the remote storage device. (Emphasis added.)

Independent claims 8 and 22 have been amended to include similar claim limitations.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." M.P.E.P. § 2143.03. The prior art of record, taken either alone or in combination, does not disclose, teach, or suggest the claim limitation of a user interface providing a data management function configured to allow a user of a wireless communication device to edit, by way of a wireless network, two-way conversation data stored in a remote storage device.

Takagi fails to disclose, teach, or suggest this claim limitation. In contrast, the only remote data management functions disclosed in Takagi are limited to downloading and uploading recorded content between a mobile telephone 101 and a remote data storage 106 or 109 (paragraphs 0052, 0058, and 0067 of Takagi). Any other data management functions of Takagi, which appear to be limited to listening to recorded contents that are stored locally in a memory card 110 that is inserted in a mobile telephone 101 (paragraph 0068 of Takagi), are performed using local data rather than remotely stored data. Thus, Takagi fails to disclose, teach, or suggest the claim limitation of a user interface providing a data management function configured to allow a user of a wireless communication device to edit, by way of a wireless network, two-way conversation data stored in a remote storage device.

Sun also fails to disclose, teach, or suggest this claim limitation. Any disclosures of remote data management in Sun are limited to annotating, associating, and transferring recorded content (Figures 5B-5J and paragraph 0037 of Sun). Any other data management functions disclosed in Sun are either performed on local data or are not performed using a wireless communication device. For example, the graphical user interface shown in Figure 6 of Sun is limited to use with a personal computer archival management program for managing data stored locally on the personal computer (paragraph 0044 of Sun). Thus, Sun does not contain any teaching or suggestion of its wireless devices 102 and 104 providing a user interface having a data management function for remotely editing two-way conversation data stored in a remote device. Sun does not even mention the word "edit."

Docket No.: 00-8024 RCE1

Bulthuis also fails to disclose, teach, or suggest the claim limitation of a user interface providing a data management function configured to allow a user of a wireless communication device to edit, by way of a wireless network, two-way conversation data stored in a remote storage device. The only disclosures of data management functions contained in Bulthuis are limited to storing, scrolling through, retrieving, playing back, forwarding, transcribing, organizing, and selecting a mode of organization or representation of stored data (paragraphs 0019, 0022, and 0023 of Bulthuis). Bulthuis does not disclose, teach, or suggest using a user interface of a wireless communication device to edit two-way conversation data stored at a remote location. Bulthuis does not even mention the word "edit." Thus, Bulthuis fails to disclose, teach, or suggest the claim limitation of a user interface providing a data management function configured to allow a user of a wireless communication device to edit, by way of a wireless network, two-way conversation data stored in a remote storage device.

Rhee also fails to disclose, teach, or suggest this claim limitation. The only data management functions disclosed in Rhee are limited to converting between different data formats and translating between different languages (col. 3, lines 1-12 of Rhee). There is no teaching or suggestion in Rhee of editing remotely stored data, much less of using a wireless communication device to perform such editing. Rhee does not even mention the words "edit" or "wireless." Moreover, Rhee does not teach or suggest two-way conversation data. Rather, Rhee is limited to one-way messages, such as voicemail messages. Thus, Rhee does not disclose, teach, or suggest the claim limitation of a user interface providing a data management function configured to allow a user of a wireless communication device to edit, by way of a wireless network, two-way conversation data stored in a remote storage device.

Because none of the cited prior art references discloses, teaches, or suggests the claim limitation of a user interface providing a data management function configured to allow a user of a wireless communication device to edit, by way of a wireless network, two-way conversation data stored in a remote storage device, any combination of the cited references also fails to disclose, teach, or suggest this claim limitation.

On page 7 of the Office Action, the Examiner took Official Notice that the data management functions recited in claim 15 (cancelled herein) and not disclosed in the combination of Takagi and Bulthuis "are both old and well known in the art." Applicants respectfully disagree with this assertion, especially when the data management editing function recited in independent claims 1, 8, and 22 (as well as other data management functions recited in the dependent claims) is considered in the entire context of each claim.

Docket No.: 00-8024 RCE1

For example, an editing function that can be utilized by a user of a wireless communication device to edit remotely stored two-way conversation data is neither old nor well known in the art. If the Examiner continues to rely upon Official Notice to reject the editing function recited in independent claims 1, 8, and 22, Applicants hereby request, pursuant to MPEP §2144.03, that the Examiner provide a duly executed affidavit or other documentary evidence in support of the taking of Official Notice.

For at least the foregoing reasons, independent claims 1, 8, and 22 as amended recite subject matter that is patentable over the prior art of record. Therefore, Applicants respectfully request that the Examiner withdraw the rejections of these claims, as well as the rejections of claims 2-7, 9-14, 16, 18-21, 23, 24, and 26-30, which depend from independent claims 1, 8, and 22, respectively.

### III. Patentability of the Dependent Claims

Dependent claims 2-7, 9-14, 16, 18-21, 23, 24, and 26-30 are in condition for allowance by way of their respective dependencies from amended independent claims 1, 8, and 22. In addition, the dependent claims recite independently patentable subject matter. Merely by way of example, claims 7, 14, and 26 recite the claim limitation of the plurality of data management functions including functions for searching, linking, downloading, editing, playing back, converting, sending, archiving, deleting, and translating two-way conversation data stored in a remote storage location. This limitation is not disclosed, taught, or suggested in the prior art of record. As admitted on page 7 of the Office Action, the combination of Takagi and Bulthuis does not disclose, teach, or suggest each of the claimed data management functions. Sun and Rhee do not cure this deficiency. Moreover, for the same reasons discussed above, Applicants respectfully disagree with the Examiner's taking of Official Notice to assert that the claimed data management functions are old and well known in the art (page 8 of the Office Action). If the Examiner continues to rely upon Official Notice to reject any of the claimed data management functions, Applicants hereby request, pursuant to MPEP §2144.03, that the Examiner provide a duly executed affidavit or other documentary evidence in support of the taking of Official Notice and that the affidavit or other documentary evidence explicitly identify each of the claimed data management functions being rejected in reliance on Official Notice.

By way of another example, claims 19, 20, 28, and 29 recite a translating function. On page 8 of the Office Action, the Examiner rejected these claims under 35 U.S.C. §103(a) as being unpatentable over Takagi combined with Bulthuis in further view of Rhee. The

Docket No.: 00-8024 RCE1

Examiner correctly admits that “the combination of Takagi and Bulhuis fails to teach the claimed translation service” (page 8 of the Office Action). The Examiner then asserts that Rhee teaches a translation service. However, it would not have been obvious to one of ordinary skill in the art to combine Rhee with the combination of Takagi and Bulhuis as asserted by the Examiner. On page 8 of the Office Action, the Examiner asserts that the lack of a translation service in Takagi and Bulhuis, together with a teaching of a translation service in Rhee, would have made it obvious to one of ordinary skill in the art to modify the combination of Takagi and Bulhuis with the teachings of Rhee. Applicants respectfully disagree because Rhee is directed to solving a problem that is unrelated to the storing and managing of two-way conversation data. In contrast, Rhee discloses only converting and translating different types of data, such as one-way message data.

Moreover, the Examiner’s asserted motivation for combination would not have motivated a person of ordinary skill in the art to combine Rhee with the combination of Takagi and Bulhuis. The Examiner asserts that a user listening to recorded call contents and then taking any necessary action based on the content, as disclosed in paragraph 0068 of Takagi, would have motivated the asserted combination of Rhee with Takagi and Bulhuis (page 8 of the Office Action). However, there is no teaching or suggestion in Takagi that this phrase refers to translating the recorded call contents to another language. As understood by Applicants, the phrase more likely would be interpreted by one having ordinary skill in the art to mean that the user can listen and react to recorded call contents. For example, the contents may remind the user to contact client A at a telephone number contained in the contents. Thus, Rhee, Takagi, and Bulhuis do not include any suggestion or motivation that would lead one of ordinary skill in the art to combine the teaching of Rhee with the combination of Takagi and Bulhuis. Therefore, the Office Action fails to establish a *prima facie* case of obviousness against claims 19, 20, 28, and 29 (MPEP 2143), and Applicants respectfully request that the Examiner withdraw the rejections of these claims.

Docket No.: 00-8024 RCE1

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue. It is believed that any fees associated with the filing of this paper are identified in an accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 07-2347. To the extent necessary, a petition for extension of time under 37 C.F.R. 1.136 is hereby made, the fee for which should be charged to the above account number.

Respectfully submitted,

Dated: July 22, 2005

By 

Joel Wall

Attorney for Applicant

Reg. No.: 25,648

**Verizon Corporate Services Group Inc.**

c/o Christian Andersen

600 Hidden Ridge Drive,

Mailcode HQE03H14

Irving, TX 75038

(972) 718-4800

**CUSTOMER NO.: 32127**